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6 Attorney for Plaintiff

7  
8 IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
9 PHOENIX DIVISION

10 Todd Heichel, Rudy Castro, Justin  
11 Garmendia, Joshua Holgate and Randi  
12 Pitts, Each Individually and on Behalf  
of All Others Similarly Situated,

13 Plaintiffs,

14  
15 v.

16 Tri City Transport, LLC, SWWOOP,  
17 LLC, and Michael Butler,

18 Defendants.

NO. 2:22-cv-1513-PHX-SMM

**DECLARATION OF ATTORNEY  
JOSH SANFORD**

19 I, Josh Sanford, do hereby swear, affirm and attest as follows, based upon my  
20 personal knowledge of the matters contained herein:

21 1. My name is Josh Sanford, and I am over the age of 18 and duly qualified  
22 to execute this Declaration and to swear to the accuracy of the facts herein contained.  
23

24 2. I am an attorney licensed in the State of Arkansas. I practice law with the  
25 law firm of Sanford Law Firm, PLLC (hereinafter "Sanford Law Firm"), which is  
26 located in Little Rock, Arkansas, and which I founded in Russellville, Arkansas in

1 2001. I opened an office in Little Rock in 2009 and now predominantly practice in the  
2 Arkansas District Courts, together with a busy practice in the Southern and Western  
3 Districts of Texas.

4 3. I practice law full-time, and I manage the other attorneys in the Sanford  
5 Law Firm.  
6

7 4. I have prosecuted over 150 wage lawsuits in Texas in the last three years.

8 5. I have prosecuted over 500 wage lawsuits in Arkansas in the last seven  
9 years.  
10

11 6. In the course of my law practice, I engage in a significant amount of wage  
12 and hour litigation—specifically cases arising under the Fair Labor Standards Act  
13 (FLSA) and the comparable Arkansas Minimum Wage Act (AMWA). A significant  
14 portion of my case load is in various federal courts around the United States, including  
15 trial work in cases arising under Title VII of the Civil Rights Act of 1964, the Equal  
16 Pay Act, the FLSA, and the Family and Medical Leave Act.  
17

18 7. I am licensed to practice law in all state and federal courts in the States of  
19 Arkansas, Colorado and Texas. I am also actively engaged in appellate practice. I have  
20 handled cases before almost all county Circuit Courts in the Central and River Valley  
21 regions of Arkansas, the United States District Courts for the Eastern and Western  
22 Districts of Arkansas, the United States District Courts for the Eastern, Southern,  
23 Northern and Western Districts of Texas, the United State District Court for the  
24 Northern District of Oklahoma, the United States District Court for the Southern  
25  
26

1 District of Ohio, the United States District Court for the District of Colorado, the United  
2 States District Court for the Eastern District of Michigan, the United States District  
3 Court for the District of Oregon, and the Fifth, Sixth and Eighth Circuit Courts of  
4 Appeals.

5  
6 8. Within the past few years, Sanford Law Firm has also filed cases in the  
7 federal district courts in Arizona, Kentucky, North Carolina, South Carolina, Florida,  
8 Georgia, Alabama, Mississippi, Georgia, Louisiana, Missouri and Illinois.

9  
10 9. In 2005, I was voted “Best Attorney” (tie) in a readers’ poll published by  
11 *The Courier* in Russellville, Arkansas. Subsequently, in 2008, I served as the President  
12 of the Pope County Bar Association. In addition, I am or have been a member of the  
13 American, Arkansas, and Pope County Bar Associations, the Arkansas Trial Lawyers  
14 Association and the National Employment Lawyers Association.

15  
16 10. I have been lead counsel on numerous wage and hour cases filed in United  
17 States District Courts throughout the nation, including the following: *Craig Lyons, et*  
18 *al. v. Con Agra*, 4:12-cv-245-JM (E.D. Ark.) (over 790 plaintiffs); *Keyli Cruthis, et al.*  
19 *v. Visions, et al.*, 4:12-cv-244-KGB (E.D. Ark.); *James Finley v. Universal Pressure*  
20 *Pumping, Inc.*, SA:12-ca-0654-OG (Western District of Texas); *Michael Alexander v.*  
21 *Hahn Appliance Center, Inc.*, 12-CV-257-CVE-TWL (N.D. Okla.); *Chad Lochridge,*  
22 *et al. v. Lindsey Management, et al.*, 5:12-CV-5047-JLH (W.D. Ark.); *Bill Hollomon,*  
23 *et al. v. AT&T Mobility Services, LLC*, 4:11-cv-600-BRW (E.D. Ark.); *Jeffrey Bacon,*  
24 *et al. v. Eaton Aeroquip, LLC*, 2:11-cv-14103-GD (E.D. Mich.); *Karen “Kay” Roland*  
25  
26

1 *v. Sharp County Post 336, et al.*, 1:11-CV-85-DPM (E.D. Ark.); *Bennie Watson, et al.*  
2 *v. Surf-Frac Wellhead Equipment Company, Inc.*, 4:11-CV-843 (JLH) (E.D. Ark.);  
3 *Robert Terry, et al. v. City of Ola*, 4:11-cv-11-645 (JLH) (E.D. Ark.); *Donald Bateman,*  
4 *et al. v. Frac Tech Services, LLC*, 6:11-cv-708 (E.D. Tex.); *Kalie Brown, et al. v.*  
5 *Barney's Barn, Inc., d/b/a/ Peaches Gentlemen's Club*, 4:11-cv-224 (SWW) (E.D.  
6 Ark.); *Jason Phillips v. Oil Patch Water and Sewer Services, LLC, et al.*, 4:11-cv-776  
7 (JLH) (E.D. Ark.); *David Delock, et al. v. Securitas Security Services USA, et al.*, 4:11-  
8 CV-520 (DPM) (E.D. Ark.); *Karen Springs, et al. v. First Student, Inc.*, 4:11-CV-00240  
9 (BSM) (E.D. Ark.); *Teramura v. Walgreen Co.*, 5:12-cv-5244-JLH (W.D. Ark.), and  
10 many others.  
11  
12

13 11. I have also been lead counsel on numerous wage and hour cases that  
14 resulted in settlements or judgments in favor of my clients including the following:  
15  
16 *Coby Pearce v. Frac Tech Services, LLC*, No. 4:12-cv-651-JLH (E.D. Ark.); *Nicole*  
17 *Collins v. Barney's Barn, Inc., et al.*, No. 4:12-cv-685-SWW (E.D. Ark.); *Joseph*  
18 *Gauthier, et al. v. Trican Well Service, L.P.*, No. 6:13-cv-46-LED (E.D. Tex.); *Jason*  
19 *Roche, et al. v. S-3 Pump Service, Inc.*, No. 5:15-cv-268-XR (W.D. Tex.); *Kristen*  
20 *Whitworth, et al. v. French Quarter Partners, LLC*, No. 6:13-cv-6003-RTD (W.D.  
21 Ark.); *Robert Terry v. Yell County Ark.*, No. 4:13-cv-408-SWW (E.D. Ark.); *Jessica*  
22 *Guinn v. D J Trucking*, No. 4:13-cv-559- KGB (E.D. Ark.); *Maria Romero de Lopez,*  
23 *et al. v. Ozark Mountain Poultry, Inc.*, No. 5:13- cv-5272-TLB (W.D. Ark.); *Sean*  
24 *Jordan v. Big E. Foods, Inc.*, No. 4:14-cv-205-BRW (E.D. Ark.); *Patricia Hernandez,*  
25  
26

1 *et al. v. Simmons Foods, Inc.*, No. 5:14-cv-5159-JLH (W.D. Ark.); *Sean Schneider v.*  
2 *Habitat for Humanity International, Inc.*, No. 5:14-cv-5230-TLB (W.D. Ark.); *Pedro*  
3 *Espinoza v. Car-Son Construction, LLC*, No. 4:14-cv-467-KGB (E.D. Ark.); *Sheila*  
4 *Lyles v. City of Trumann, Ark.*, No. 3:14-cv-210-DPM (E.D. Ark.); and *Kellie*  
5 *McCartney v. Baily and Thompson Tax and Accounting, P.A.*, No. 4:14-cv-561-SWW  
6 (E.D. Ark.).  
7

8 12. I have also been lead counsel on several wage and hour cases in which  
9 collective actions have been granted including *Sam Adams v. United Cerebral Palsy of*  
10 *Central Ark., Inc.*, No. 4:16-cv-930-JLH (E.D. Ark.); *James Harris, et al. v. Express*  
11 *Courier International, Inc.*, No. 5:16-cv-5033-TLB (W.D. Ark.); and *Dustin Moore, et*  
12 *al. v. Performance Pressure Pumping Services, LLC*, No. 5:15-cv-432-XR (W.D.  
13 Tex.), and dozens of others.  
14

15 13. Since January of 2015, Sanford Law Firm has filed and prosecuted over  
16 750 distinct wage lawsuits throughout the United States, including those still pending.  
17 Many of these lawsuits are (or were, if they have been resolved) group or collective  
18 actions, as well as several class actions under Rule 23.  
19

20 14. Collectively, cases filed by the Sanford Law Firm since 2009 have  
21 resulted in far more than \$11,000,000.00 in settlement and judgment money for wage  
22 and hour violations for more than two thousand (2,000) clients across the nation.  
23

24 15. In the past two years, Sanford Law Firm has shifted from its FLSA  
25 practice. Instead of focusing exclusively on wage and hour law, the Firm has moved its  
26

1 focus into accepting and litigating data breach lawsuits. On average, data breach  
2 lawsuits result in fee awards based on hourly rates between \$500 and \$1000, with an  
3 average of around \$750. Due to the magnitude of the collective and the complexity of  
4 claims in this case over the past three years, Sanford Law Firm has been precluded from  
5 accepting work in the far more lucrative field of data breach cases.  
6

7 16. I am familiar with the customary and reasonable fees charged by myself  
8 and by other attorneys in the District of Arizona. Generally, the customary and  
9 reasonable fee charged for federal court work in FLSA cases in U.S. District Courts  
10 in Arizona is \$250.00 to \$600.00 per hour, depending upon experience and specialty.  
11

12 17. The rates charged by Sanford Law Firm's attorneys are reasonable. The  
13 rates are reflective of the number of years each attorney has practiced, the attorneys'  
14 expertise in employment issues such as the FLSA, and the rates charged by other  
15 attorneys specializing in FLSA work. The staff time and hourly rate for the Sanford  
16 Law Firm below are likewise reasonable and comparable.  
17

18 18. The attorneys of Sanford Law Firm maintain contemporaneous time and  
19 expenses records as a matter of ordinary and customary business practice. The time and  
20 billing records identify the amount of time expended, the tasks performed, the rate of  
21 the particular timekeeper involved, and the costs incurred. I reviewed the firm's  
22 unaudited billing records in this case and found that the following attorneys billed time  
23 to this matter:  
24  
25  
26

Billed By	Rate	Time Claimed	Value Claimed
Courtney Lowery	\$400.00	2.9	\$1,160.00
Karolina Viehe	\$400.00	4.3	\$1,720.00
Laura Edmondson	\$300.00	4.4	\$1,320.00
Rebecca Matlock	\$400.00	6.9	\$2,760.00
Samuel Brown	\$300.00	5.8	\$1,740.00
Sean Short	\$400.00	11.3	\$4,520.00
Stacy Gibson	\$400.00	11.8	\$4,720.00
Paralegal	\$150.00	15.9	\$2,385.00
Law Clerk	\$110.00	1.5	\$165.00
Grand Total		64.8	\$20,490.00

19. Each attorney's hourly rates are supported by their skills and experience.

- a. Attorney Courtney Lowery graduated magna cum laude from the University of Arkansas at Little Rock, William H. Bowen School of Law in 2019. She served on the Law Review Editorial Board and was a member of the Student Animal Legal Defense Fund as well as the student chapter of Arkansas Association of Women Lawyers. During law school, Ms. Lowery was a law clerk for the Sanford Law Firm and joined the firm after taking the Arkansas Bar Exam. Both as a law clerk and an attorney with SLF, her practice focused heavily on employment law litigation. While at the Sanford Law Firm, Ms. Lowery became an expert in screening and drafting FLSA claims and obtained favorable settlements for several clients. In 2020, no attorney in the United States drafted more FLSA lawsuits than Ms. Lowery.
- b. Attorney Laura Edmondson graduated magna cum laude from the University of Arkansas School of Law in 2021. She served as Executive Editor of the Journal of Food Law and Policy and was named Outstanding Volunteer Student Attorney in 2020 for her work with Legal Aid of Arkansas in Springdale. During her time with SLF, Ms. Edmondson focused her practice exclusively on FLSA cases.
- c. Attorney Sean Short graduated from Washington University in St. Louis School of Law in 2013. Since 2016, Mr. Short's legal practice has focused almost exclusively on prosecuting wage and hour violations under the FLSA and AMWA in district courts

1 throughout the country. In his nine years at Sanford Law Firm, Mr.  
2 Short has served as lead counsel in more than 50 FLSA cases and  
3 as co-counsel in excess of 300 FLSA matters, where he has  
4 successfully represented thousands of plaintiffs and opt-in  
5 plaintiffs through settlement or trial in some of the largest FLSA  
6 collective actions in Arkansas. Prior to practicing wage and hour  
litigation, Mr. Short worked in the litigation department at an  
international law firm in Bangkok, Thailand where he worked on  
cross-border matters involving Thai, Burmese, and American law.

- 7 d. Attorney Stacy Gibson graduated cum laude from the University of  
8 Arkansas School of Law in 2014. While attending law school, Ms.  
9 Gibson was a Note and Comment Editor for the Journal of Food  
10 Law & Policy. Ms. Gibson litigated family law, probate, and  
11 general civil matters throughout the state before focusing her  
12 practice on FLSA cases at SLF. During her time at SLF, she served  
13 as co-counsel on numerous single-plaintiff and collective action  
FLSA cases in Arkansas district courts and in arbitration, as well  
as served as lead counsel in a collective action for a group of 189  
plaintiffs in the Southern District of Mississippi. Ms. Gibson  
worked on hundreds of wage cases while at SLF.
- 14 e. Attorney Karolina Viehe graduated magna cum laude from  
15 Valparaiso University School of Law in 2012. Ms. Viehe was an  
16 Honors Program Participant. During her time at SLF, her practice  
17 focused primarily on employment law, including the FLSA. While  
18 attending law school, Ms. Viehe served as the President of  
19 Amnesty International Association and was a member of the  
20 Intellectual Property Law Association. Also as a law student, Ms.  
21 Viehe served as the Judicial Extern for the Honorable Magistrate  
Judge William G. Hussmann of the U.S. District Court for the  
Southern District of Indiana and as Certified Legal Intern for the  
Vanderburgh County Prosecutor's Office.
- 22 f. Attorney Rebecca Matlock graduated, magna cum laude, from the  
23 UALR William H. Bowen School of Law in 2015. Her practice  
24 focuses primarily on employment law litigation, particularly in the  
25 FLSA context. As a law student, Ms. Matlock served as Executive  
26 Editor of the UALR Law Review, in which Ms. Matlock had an  
article published in the Spring of 2015 issue. Ms. Matlock has been  
practicing with Sanford Law Firm for approximately ten years and  
has completed hundreds of drafting projects, including fee  
petitions, summary judgment motions, and a wide variety of



responsive motions as she did in this case.

g. Attorney Samuel Brown graduated cum laude from the University of Arkansas at Little Rock, William H. Bowen School of Law in 2020. During law school, Mr. Brown clerked at several law firms as well as the Arkansas Municipal League. Mr. Brown also completed an externship with the Honorable Magistrate Judge Beth Deere in the Eastern District of Arkansas. During his time at SLF, Mr. Brown's practice particularly emphasized settlements in wage and hour cases under the FLSA. While at SLF, Mr. Brown capably administered and finalized several FLSA wage case settlements per week.

20. This case made use of an unusually high number of time keepers. Despite the theoretical simplicity of obtaining a default judgment, this case pended for over three years. During those three years, SLF saw many attorneys come and go, many of whom worked on this case during their time at SLF. The case originated with Attorney Courtney Lowery, who drafted all the initiating documents in the case. Ms. Lowery passed the case to Attorney Laura Edmondson in fall of 2022 when she left SLF. Ms. Edmondson, a junior attorney at the time, handled the case under the supervision of Attorney Stacy Gibson until her departure from SLF in spring of 2023. Ms. Gibson managed the case solo until early 2024 when she also left SLF; then Attorney Sean Short took over and managed the case until its completion. Despite the high number of managing attorneys, no two managing attorneys billed for duplicative entries, nor do the billing entries of the managing attorneys overlap in time.

21. This case made use of two of Sanford Law Firm's drafting attorneys, each drafting within their areas of expertise with zero duplication or crossover. Karolina Viehe drafted the motion for conditional certification, which included a motion, brief,

1 declarations from Plaintiffs, and several associated exhibits. Rebecca Matlock drafted  
2 the motions associated with the default judgment in this case as well as this fee petition.  
3 Attorney Matlock has drafted over 15 fee petitions in the past five years; her expertise  
4 enabled her to draft this one expediently and efficiently. During his time with SLF,  
5 Attorney Samuel Brown specialized in FLSA case completions and settlements,  
6 making his experience invaluable in pushing this case across the finish line with the  
7 final Default Motion. This farming out of discrete tasks enabled each case managing  
8 attorney to focus on litigation tactics in moving this case forward toward a successful  
9 outcome during their respective times managing the case.  
10  
11

12 22. Until recently, the Sanford Law Firm's work focused on representing  
13 workers in employment matters, and its lawyers focused their practices in the area of  
14 the FLSA and similar wage-and-hour cases. In the community of attorneys who focus  
15 their practice in this area of the law, the Sanford Law Firm has a strong reputation for  
16 its quality of work and diligent representation of its clients.  
17

18 23. The hourly rates reflected in this Declaration were updated recently  
19 following a thorough internal review. Prior to this change, the Sanford Law Firm had  
20 not adjusted its rates in several years, despite increasing costs, expanded expertise, and  
21 the firm's growing national litigation profile. The updated rates are consistent with the  
22 prevailing market rates for similar legal services and reflect the firm's depth of  
23 experience, particularly in complex wage-and-hour and data breach litigation.  
24

25 24. Sanford Law Firm represented Plaintiffs in this case on a contingency  
26

1 basis without any assurances that fees or costs would be recovered.

2 25. Not only is there no guarantee that any fees and costs will be recovered in  
3 a contingency fee case, but any recovery made will be delayed as compared to clients  
4 who make up-front or monthly payments as litigation proceeds. In contingency fee  
5 cases, an attorney is not paid for months or even years, depending on how long it takes  
6 for litigation to conclude.  
7

8 26. This type of work is time-consuming and rigorous, and the amount of time  
9 spent by our firm at each step in this case is reasonable. It is not uncommon in the  
10 course of my practice for clients with similar cases to incur attorney's fees that are as  
11 much as or more than those in this case.  
12

13 27. With these matters in mind, I reviewed the hourly rates for the attorneys  
14 and staff that the Sanford Law Firm is seeking in this case.  
15

16 28. Based on my experience and knowledge, it is my opinion that these hourly  
17 rates are reasonable given the attorneys' skills, expertise, and reputations, and they are  
18 within the range of rates awarded to attorneys with similar backgrounds and experience.  
19

20 29. The hours billed to this matter are also reasonable and consistent with or  
21 less than the hours typically billed to cases of similar complexity and at similar stages  
22 of litigation.

23 30. The request for attorney's fees is based upon contemporaneous time and  
24 expense records maintained by Sanford Law Firm as a matter of ordinary and  
25 customary business practice. The time and billing records identify the amount of time  
26

1 expended, the tasks performed, and the rate of the particular timekeeper involved. A  
 2 true and accurate copy of a spreadsheet reflecting relevant legal services rendered and  
 3 time expended on this case through November 14, 2025, is attached to Plaintiffs'  
 4 Motion for Attorneys' Fees as Exhibit 1 (hereinafter "Billing Invoice").

5  
 6 31. Each task reflected in the attached Invoice was necessary to the successful  
 7 resolution of this matter; the hours expended were actually expended on the topics stated;  
 8 the time spent on each task was reasonable; and the rates claimed are also reasonable.

9  
 10 32. The time spent reviewing, categorizing and reducing fees reflected in the  
 11 Billing Spreadsheet is reasonable because it reflects the exercise of billing judgment  
 12 and allows the charges to be sorted by attorney and category of work to assist the Court  
 13 in understanding the charges reasonably incurred by the Sanford Law Firm in this case.

14  
 15 33. Each billing entry in this case has been categorized according to its  
 16 particular purposes in order to assist the Court in understanding how time was expended  
 17 in this case. This information is summarized below:

Category	Time	Value
<b>Case Initiation</b>	2.8	\$1,045.00
<b>Client Communication</b>	7.1	\$1,354.00
<b>Collective Action</b>	5.3	\$1,895.00
<b>Court Communication</b>	0.2	\$30.00
<b>Default</b>	19.2	\$6,795.00
<b>Discovery</b>	1.5	\$225.00
<b>Fee Petition</b>	3.9	\$1,560.00
<b>In House Communication</b>	8.1	\$2,940.00
<b>Service</b>	16.7	\$4,646.00
<b>Grand Total</b>	64.8	\$20,490.00

1           34. The categories of work summarized above were developed by Sanford  
2 Law Firm to assist this Court in determining the reasonableness of fees. Categorizing  
3 individual charges is more of an art than a science, meaning some charges might fit  
4 well into more than one category, but good faith efforts were made to put each billing  
5 entry into the category that best defined it. Some of the categories described above are  
6 relatively self-explanatory, while others benefit from some explanation, as set forth  
7 below.  
8

9           35. The bulk of SLF's work in this case falls into the "Service" and "Default"  
10 categories, which include SLF's efforts to locate and serve Defendants and obtain the  
11 default judgment against them. The "service" category includes both the research  
12 involved in locating Defendants, the various requests for extensions of the service  
13 deadline, and the ultimate request for alternate service. The "default" category includes  
14 the work expended in drafting the motion for clerk's entry of default, the motion for  
15 default, including the damages calculations included with that motion, and the request  
16 to include the Opt-in Plaintiffs in the default.  
17  
18

19           36. The "Collective Action" category includes SLF's work in drafting  
20 consents to join on behalf of the Opt-in Plaintiffs as well as the drafting of a motion for  
21 collective action that was never filed. SLF intended to file this motion after Defendants  
22 Answered the Complaint, which never happened. This work was used later in Plaintiffs'  
23 Motion to Include Opt-ins in Default Judgment.  
24

25           37. The "Case Initiation" category covers all work performed in gathering  
26

1 facts a data in preparation for drafting the Complaint and the actual drafting of the  
2 Complaint.

3 38. The “Fee Petition” category of work involves work related to the  
4 preparation and drafting of Plaintiffs’ Motion for Attorneys’ Fees, including drafting  
5 the motion, supporting brief, and the current declaration, as well as time spent working  
6 with billing, including reviewing, categorizing, and reducing billing, as well as  
7 ensuring protection of attorney-client privilege in producing billing.  
8

9 39. Where appropriate, Sanford Law Firm attorneys also delegate work to  
10 paralegals, law clerks and staff. The hourly rates charged for Sanford Law Firm’s  
11 paralegals, law clerks and staff are reasonable and in line with hourly rates for  
12 paralegals, law clerks and staff by other firms in the Phoenix area. The work performed  
13 by support staff members in this case was necessary to the litigation and the time spent  
14 on those tasks was reasonable.  
15  
16

17 40. In preparing to support Plaintiff’s Motion for Attorneys’ Fees, Sanford  
18 Law Firm exercised billing judgment in calculating the lodestar, reviewing records of  
19 hours worked and writing off entries for time spent on tasks which could be viewed as  
20 unproductive, excessive, redundant, or which were otherwise deemed as appropriate  
21 for writing off completely or reducing as part of Plaintiff’s request for reasonable  
22 attorneys’ fees in this case. Items deducted or reduced also included items for which  
23 billing was insufficiently clear to describe how the time was spent, a portion of in-house  
24 conferences, a portion of time related to case management and other items where  
25  
26

1 appropriate.

2 41. In addition, court costs and recoverable expenses were also incurred in this  
3 matter. The costs in this case consist of the filing fee and service fees including service  
4 on all Defendants and the costs of certified mail.  
5

6 **PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF**  
7 **PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA**  
8 **THAT THE FOREGOING IS TRUE AND CORRECT.**

9 Executed on this 14th day of November, 2025.

10 /s/ Josh Sanford  
11 **JOSH SANFORD**  
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